

BAYSHORE FIRE PROTECTION & RESCUE SERVICE DISTRICT
MINUTES OF THE BOARD OF COMMISSIONERS MEETING
July 13, 2021

Meeting called to order at 7:08 p.m. by Chairman Ducrou

Invocation – MOS

Commissioner Ducrou – Present
Commissioner Hansen – Absent
Commissioner Mere - Present
Commissioner Griffin – Present
Commissioner Cook – Absent
Chief Doug Underwood – Present
Office Manager – Present
Attorney Ian Mann – Absent

Others Present: DVP & some staff & Public

Public Input Agenda Items – None

Minutes – Review and Acceptance of the minutes of the June 8, 2021 Board Meeting. Motion made by Commissioner Mere to accept the minutes. Commissioner Griffin seconded the motion. Chairman Ducrou calls for any discussion. Hearing none, he calls for any opposed and with none opposed, motion passed.

Financial Reports – Review and Acceptance of the Financials for June 2021. Motion made by Commissioner Griffin to accept the financials. Commissioner Mere seconded the motion. Chairman Ducrou calls for any discussion. Hearing none, he calls for any opposed and with none opposed, motion passed.

Fire Marshal Report – Chief Underwood states we have no Fire Marshal report but expects inspections will pick up over the next few months due to annuals. He moves on to the Administrative Report.

Administrative Report (attached) – Chief Underwood reads the Administrative Report into the record. He points out that the previous chief had a call data summary below the apparatus report but that he has chosen to provide a more detailed report from ESO. He adds that not all of our mutual aid responses are entered in ESO and cites the example if we respond to a mutual aid at North Fort Myers, while we are giving help, we are also receiving help in the form of someone standing by at our station and that data is not captured even though it was in our district as we didn't respond to the call, our coverage did. Chairman Ducrou calls for any questions for the Chief. Hearing none, he calls for Union Petitions.

Union Petitions – Hearing none he calls for Old Business

Old Business –

- **Collection Agency** – Chief Underwood states he has reached out to collection agencies to determine our options from that perspective and found that none would entertain this type of debt file, that our only option is to file a lien and pursue a legal battle, and due to the fact that the property was under lease, it would be difficult and

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expensive. Commissioner Ducrou asks what the lien would cost. Chief answers the filing of the lien is not expensive, it is the action the land owner could take to file an action against us and the costs that we will incur in legal fees. He reminds the Board that is what our attorney has been saying about keeping us out of the litigation expenses. Commissioner Ducrou asks on what grounds. Chief responds, to get the lien vacated to remove the debt as it is not their debt, it is MW Horticulture's debt. This is where the County is now, they filed a lien on the property owner and are currently in litigation. Commissioner Ducrou suggests we wait to see what the County accomplishes through their efforts. Chief states he just received another subpoena to appear August 31. Commissioner Mere asks if there is a statute of limitations, that we have to make a decision on this. Chief Underwood responds, I don't believe so. Commissioner Mere in agreement with Commissioner Ducrou suggests that we take the wait and see approach. He also suggests we check with Forestry to see how they handle it when they go out to fires and they know who started it...Captain Swindle states he believes those to be fines against the individual who started it, Chief Underwood states ours are liens against the property due to the ordinances that give us those rights to bill for those services. Office Manager advises her activities for the attorney in attempt to acquire language for the lien, even to the point of inquiring of the FASD and their broadcast to all the Special Districts they are involved with, and no one in the state responded with language from a lien they had filed for this purpose. Chief states the difference between the filing of liens against individuals or possibly even corporations, which are what the beach and the county can file, and liens against property which is the type we are able to file. Commissioner Ducrou agrees he is not sure you can even do it against a corporation. Chief Underwood states the attorney and the collection agencies he spoke with said it takes a legal action in court to go after a corporation like that. (Not just a basic lien like a mechanic's lien.) All commissioners present are in agreement that we wait to see how it goes for the county with theirs.

- **Credit card control policy** – Commissioner Mere moves to adopt Credit card policy SOG 06-004. Commissioner Griffin seconds the motion and as all are in favor, motion is passed. With no other old business brought forth, Chairman Ducrou calls for new business.

New Business –

- **Preliminary Budget Hearing date** – Prelim hearing is set for September 14th at 7:00 pm with the regular board meeting to immediately follow and the final budget hearing will be September 28th at 7:00pm. Office Manager inquires if the board is agreeable to the 2nd Tuesday of every month for the next year's commission meetings. Everyone is in agreement that is fine and she can go ahead and publish those dates for the next fiscal year.

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- **Union Negotiation Notices** - Chief Underwood advises the board that he checked with the Union and other local districts and found most districts do not advertise their union negotiation meetings in the newspaper, they just post them in their station on the Union board and some on their website, and he requests permission to do the same. All commissioners are in favor of this action.
- **Resolution 2021-01 Budget Amendment (2nd Appropriation 2020/2021 Fiscal Year)** – Office Manager explains the reasoning and purpose for the amendment as outlined in the text of the document for commissioner approval. Chief Underwood requests as part of this amendment authorization to replace office furniture for the Chief's office, Captain's office and chairs for the Office Manager and Board of Commissioners with better quality chairs. He also notes we will also be purchasing paint and some flooring. Office furniture purchase anticipated to be about \$10,000. Commissioner Mere moves to adopt Resolution 2021-01 amending the 2020/2021 fiscal year budget. Commissioner Griffin seconded the motion and with all in favor, motion passed unanimously.
- **Supplemental Compensation** – Already discussed in the budget amendment, but Chief Underwood describes it again as, it is state statute that orders us to pay it out to the eligible fire fighters, despite any reimbursement or lack thereof by the state. Office Manager has provided the statute and the letter outlining where the funds come from and our responsibility concerning the Supp Comp. Commissioner Ducrou expresses his opinion that paying the Supplemental Compensation in addition to the educational incentive outlined in the contract is actually a violation of the contract due to the maximum incentive stated in the contract. It is something they will have to consider in the striking of the new contract as we are under state statute to pay the supplemental compensation as directed. The incentives will be negotiated in the contract.
- **Nepotism** – Chief Underwood states he has researched nepotism as his brother is a Volunteer Lieutenant for the district and finds that, as he is a volunteer, he is clearly exempt by state statute; though Chief did discuss it with the district's attorney and has sought out policies from other districts, from which he only received 2 responses and they were very vague. He has determined he would like to handle anything that comes up, through the captains if it is disciplinary or within their scope, and if it's anything they don't feel comfortable with he will approach the Lee County Fire Chiefs Assn. for an outside investigator, which they have already agreed to assist with. The Chief and Commissioner Ducrou have discussions as to scenarios and agree to let the guidelines and their comfort level determine the handling. If it's a disciplinary issue that's going to lead to termination, the captains can do the initial investigation and we can bring in an outside investigator. Chief Underwood states he will outline in his memo that whether the subject be a party of, or a witness of, Chief will call for an outside investigator. Commissioner Ducrou asks if he will be putting it in writing like a policy. Chief Underwood states he was going to use internal memo. Discussion ensues with regard to memos vs. policies and Commissioner Ducrou prefers policies over memos which he feels can get lost whereas policies are better tracked. Chief

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discusses his intended use of the shared drive and Google Docs and how things will be labeled appropriately. Commissioner Ducrou would like to have some definition as to when it calls for a memo or a policy. Commissioner Mere describes it as policy calls for strict adherence and violation calls for disciplinary action. Chief Underwood states memos are more for guidance, like "I want you to draw water from this hydrant..." or something that's not in a policy. A majority of our stuff will be in a policy, but if I need to clarify something, I'll put it in writing. I can put something in a memo that is not necessarily a policy, but I am giving you an order to do something. Commissioner Mere states "my thing is, we hired you to do the job, you know what's required to do it, and what steps you need to do to make sure you keep yourself clean in a situation. We have Captains that are put into a position, not necessarily because they're going to have to make decisions for people underneath them that could affect other things, in this case here it's a volunteer, so it's about that, but they took on that position when they're there too, so I think you've got to let people do their job and if it needs to be addressed further, we'll take care of it; but I don't really think we have an issue. It's kind of expected with the position that you have. Chief Underwood feels that state statute covers it so he feels that's probably why a lot of departments don't have a policy. Commissioner Ducrou states he listened as the Chief and the attorney talked after the last meeting and the attorney cited a number of incidences. Chief Underwood agrees but notes he went to the state statutes and they cover the topic of volunteers very well. Since his brother is a volunteer, it is addressed in statute. Commissioner Ducrou points out his brother does get paid. Chief points out that he does not get paid as a volunteer for us, only for special details such as the fair and in that circumstance there's another party contracting the work and we are reimbursed. Commissioner Ducrou states he just wants to cover us, saying we know about it, we sought legal advice, and we developed this so that it is not after-the-fact and trying to deal with it. Chief completely agrees, and that's why he put this out there to say this is how we're going to handle this. Commissioner Griffin states the main thing is that we can locate the document. There's further discussion on assignments in Target Solutions and how we'll know that people actually saw the documents. With no further new business, Chairman Ducrou calls for Commissioner Items.

Chief's Items - None

Commissioner Items – Commissioner Ducrou states he came across information that Chief Nisbet put out a memo that authorized the crew to collectively take the engine to Publix which is 3.6 miles. This surprised him as we are leaving the station unstaffed to go get dinner or whatever supplies they need. He states he would be upset if it was his family member having something going on and there was a delay because the engine was that far out. No body knows the ambulance is going to be here. He'd like us, until we have more staffing, to not take the engine and all the crew for that. Chief Underwood states if we're down to 2 guys, we can't send 1 guy. If we do have a third guy, a lot of times they do send 1 guy in the service truck. We also rotate with EMS for dinners, so it's not every day. During the week we also have Chief himself as another person in district. He mentions the memo or e-mail that designated that as our store and we could take the engine once a day. Do we do it every day, no, maybe ½ the

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time and they go after truck checks, right before lunch or right after, which are not our busiest times. He states as a Captain, he can't recall one time when they received a call for the other side of district when they were at Publix. If we did get a bad call out that way, the officer's do have the ability to ask for closest unit, if it's the other side of the district, they are right there to respond. He would like to leave it alone and can reiterate to the captains to only send one in the service truck if they have 3 or he is here, and to avoid peak hours, and make sure we are being as efficient as possible. Commissioner Mere doesn't think that sending 1 man and leaving 1 here is an answer. Since we don't have a grocery store in district, he doesn't believe it has been a major issue to date, but does suggest we could look into Publix delivery as a possible alternative. There is further discussion and Commissioner Ducrou asks for a policy that says unless you're down to 2 you send 1 firefighter in the truck to go get what you need. There is discussion about shopping the day before but the point is brought up about EMS and whether they're in for dinner or not, and how many volunteers show up so how many we're cooking for is not known to shop beforehand. Captain Swindle expresses his value of the volunteers and his intent to take care of them for what they do for us and our coverage and ISO rating. He states one night we might not have any and the next we might have 3 or 4. There is further discussion on written policies and if someone happens to violate a policy they then have to be written up, and some discussion between Commissioner Ducrou and Commissioner Mere about the policies of the district and whether the Chief should be responsible to manage those policies or whether it falls on the Board to review and re-write the policies or the board to just review them and simply manage the Chief. Commissioner Griffin would also like to see something on it. Commissioner Ducrou authorizes Chief to go ahead and put it out there so it is addressed right away, but would like it brought to the next meeting for them to review. Chairman Ducrou calls for any other Commissioner Items. Hearing None, he calls for any Public Input.

Public Input – None - Chairman Ducrou calls for any public input and hearing none, he calls for recess for the Executive Session.

Executive Session –8:30-10:10 Collective Bargaining is the topic

Reconvene – the meeting is reconvened and with no new discussions offered Chairman Ducrou entertains a motion to adjourn.

Adjournment – Commissioner Mere moves to adjourn. Commissioner Griffin seconds the motion and with none opposed meeting is adjourned 10:10 p.m.